

1 UNITED STATES DEPARTMENT OF JUSTICE
2 JOSEPH H. HUNT
3 Assistant Attorney General
4 RUTH A. HARVEY
5 Director
6 KIRK MANHARDT
7 Deputy Director
8 MATTHEW J. TROY (GABN 717258)
9 Senior Trial Counsel
10 P.O. Box 875
11 Ben Franklin Station
12 Washington, DC 20044-0875
13 Telephone: (202) 514-9038
14 E-mail: matthew.troy@usdoj.gov

13 DAVID L. ANDERSON (CABN 149604)
14 United States Attorney
15 ROBIN M. WALL (CABN 235690)
16 Assistant United States Attorney

21 Attorneys for the United States of America

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

27	In re	)	Case Nos. 19-30088 DM (Lead Case)
28		)	19-30089 DM
29	PG&E CORPORATION and)	
30	PACIFIC GAS AND ELECTRIC	)	Chapter 11
31		)	Jointly Administered
32	Debtors.)	
33)	
34	<input type="checkbox"/> Affects PG&E Corporation	)	NOTICE OF DEBTORS'
35	<input type="checkbox"/> Affects Pacific Gas and Electric	)	OBLIGATIONS PURSUANT TO
36	Company	)	LICENSES, AUTHORIZATIONS,
37	<input checked="" type="checkbox"/> Affects both Debtors	)	AND ANTENNAE REGULATED
38		)	BY THE UNITED STATES
39	<i>All papers shall be filed in the Lead</i>	)	FEDERAL COMMUNICATIONS
		)	COMMISSION

1 || Case, No. 19-30088 DM.)
2 _____)

4 The United States of America, on behalf of the Federal Communications
5 Commission (“FCC”), hereby provides notice as follows:

6 1. On January 29, 2019, the above captioned debtors (collectively,
7 “Debtors” or “Regulated Entities,” and singly, a “Regulated Entity”) filed voluntary
8 petitions for relief under chapter 11 of Title 11 of the Bankruptcy Code in the United
9 States Bankruptcy Court for the Northern District of California. The Debtors’
10 bankruptcy cases are jointly administered. Debtors continue to operate their
11 businesses and manage their properties as debtors in possession pursuant to sections
12 1107(a) and 1108 of the Bankruptcy Code. No examiner or trustee has been
13 appointed in these cases.

14 2. The Debtors hold wireless licenses issued and regulated by the FCC
15 (collectively, “Licenses” or singly “License”) or own antennae structures
16 (collectively, the “Antennae”) registered with the FCC. The FCC regulates the
17 Licenses and the Antennae.

18 3. Although in bankruptcy, each Regulated Entity remains responsible for
19 complying with FCC regulations applicable to it, including regulatory requirements
20 for operation and transfer of a License.

21 4. Specifically, and without limitation, the FCC's regulations at 47 C.F.R.
22 §§73.3540, 73.3541 and 1.948, and 310(d) of the Communications Act of 1934, as

1 amended (47 U.S.C. §310(d)), require i) a Regulated Entity that holds a License to
2 obtain FCC approval for a proposed transfer or assignment of that License or a
3 proposed transfer of control of itself and ii) a Regulated Licensee in control of an
4 FCC licensee to obtain FCC approval of a proposed transfer of control of the
5 Regulated Entity, whether such transfer is voluntary or involuntary, whether such
6 transfer is direct or indirect and irrespective of whether the Regulated Entity
7 possesses any other FCC license or authorization. Furthermore, pursuant to 47
8 C.F.R. § 1.948(c)(2), upon the involuntary transfer of control of a Regulated Entity,
9 including a transfer of control to a debtor-in-possession or trustee, a Regulated Entity
10 must file an application for involuntary transfer or assignment with the FCC no later
11 than thirty (30) days following the occurrence of such transfer.

12 5. Therefore, the FCC hereby provides notice that it is the responsibility
13 of each Regulated Entity to ascertain the FCC regulations applicable to it and to
14 comply with all such FCC rules and regulations, including those pertaining to the
15 transfer of FCC Licenses and those pertaining to transfers of control of an FCC
16 licensee.

17 6. The FCC respectfully requests that any order issued by the Bankruptcy
18 Court regarding the sale, transfer or assignment of any the Licenses held by a
19 Regulated Entity include the following language:

20 Notwithstanding any other provision of this Order or any
21 other Order of this Court, no sale, transfer or assignment

1 of any rights and interests of the Regulated Entity in any
2 federal license or authorization issued by the Federal
3 Communications Commission (“FCC”) shall take place
4 prior to the issuance of FCC regulatory approval for such
5 sale, transfer or assignment pursuant to the
6 Communications Act of 1934, as amended, and the rules
7 and regulations promulgated thereunder. The FCC’s
8 rights and powers to take any action pursuant to its
9 regulatory authority, including, but not limited to,
10 imposing any regulatory conditions on such sales,
11 transfers and assignments and setting any regulatory fines
12 or forfeitures, are fully preserved, and nothing herein shall
13 proscribe or constrain the FCC’s exercise of such power
14 or authority to the extent provided by law.

15
16 7. If, pursuant to a plan of reorganization, a Regulated Entity that holds a

17 License seeks to transfer its License or seeks to transfer control of itself or an FCC
18 licensee that it controls, the FCC respectfully requests that any proposed
19 confirmation order include the following language:

20 No provision in the Plan or this Order relieves any
21 Regulated Entity or reorganized Regulated Entity from its
22 obligation to comply with the Communications Act of
23 1934, as amended, and the rules, regulations and orders
24 promulgated thereunder by the Federal Communications
25 Commission (“FCC”). No transfer or assignment of any
26 FCC license or authorization held by a Regulated Entity or
27 transfer of control of a Regulated Entity, or transfer of
28 control of a FCC licensee controlled by a Regulated Entity
29 shall take place prior to the issuance of FCC regulatory
30 approval for such transfer pursuant to applicable FCC
31 regulations. The FCC’s rights and powers to take any
32 action pursuant to its regulatory authority including, but

not limited to, imposing any regulatory conditions on any of the above described transfers, are fully preserved, and nothing herein shall proscribe or constrain the FCC's exercise of such power or authority.

Date: April 24, 2019

Respectfully submitted,

/s/ Matthew J. Troy
MATTHEW J. TROY
Senior Trial Counsel
Attorney for United States

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2019, I electronically filed the foregoing NOTICE with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ Matthew J. Troy
Matthew J. Troy
Senior Trial Counsel